

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Sensa Verogna, Plaintiff,
v.
Twitter Inc., Defendant.

Case #: **1:20-cv-00536-SM**

**PLAINTIFF'S MOTION TO DECLARE TWITTER'S COMPUTER NETWORK A
PUBLIC FORUM UNDER LAW AND BRIEF AND MEMORANDUM IN SUPPORT**

1. Plaintiff, pro se and proceeding anonymously as, "Sensa", respectfully moves this Court to declare Twitter, Inc., "Twitter(s)", computer network, Twitter.com, a "Public Forum" under the law and within the timeframe of the Plaintiffs Complaint.

2. For the reasons stated in Plaintiff's Request for Entry of Default by Clerk and the attached Declaration in Support of Plaintiff's Request for Entry of Default by Clerk, Docket. at ¶ 7, and Plaintiffs Request for Entry of Default Judgement by Clerk and attached Declaration, Docket. at ¶ 8, Plaintiff's Motion and Memorandum to Strike Defendant's Motion to Dismiss Complaint or, Alternatively, Transfer and attached declaration, Docket. at ¶ 10, the Plaintiff carries forward his arguments that Defendant is in default and therefore default judgement is proper by the Laws and Rules of Civil Procedure.

3. Venue is proper as stated in the Complaint at Paragraphs 8, 9 and 10. Plaintiff re-alleges and incorporates by reference each paragraph, tweet, article, exhibit or attachments included in this document and in the record to date, as though set forth fully herein.

4. Twitters' public areas on its computer network are able to accommodate large numbers of the public at one time. They often include display areas for entertainers, exhibitors and others to perform for the public at large. It is an appealing place for the public to converse and

28 socialize as well as to browse and shop in and about with store ads and accesses placed throughout
29 with members of the general public coming and going as they please.

30 5. Twitter's computer network is a public forum open to the public for the purpose of
31 speaking in public and for the purpose of encouraging the patronizing of its advertisers. Although
32 Twitter is privately organized, its computer network exhibits all the features of a public forum
33 conducive to the public communication of views on issues of political and social significance and
34 indeed has assumed law enforcement responsibilities normally reserved for State Actors through
35 §230. By exercising public functions, this nominally private entity assumed the constitutional
36 obligations of local government, specifically including the duty to permit exercise of expressive
37 rights within the boundaries of its forum which serves as the functional equivalent of a business
38 block open to the general public and does not violate Twitter's property rights under the Fifth and
39 Fourteenth Amendments as they willingly participated in regulating it's platform through §230.

40 6. Twitter has intentionally and voluntarily transformed its computer network into a
41 public forum, square or market, a public gathering place, a downtown business district or
42 community. They cannot now deny their own implied invitation to use the space as it was clearly
43 intended, a public forum for public speech, whose nature, purpose and primary use is public and
44 not private speech, which is open to the public.

45 7. For the reasons stated herein, and in the supporting brief and memorandum of law,
46 this Court should declare that Twitter's computer network is a Public Forum under the law, OR
47 minimally, that it was, within the time frame of Plaintiff's Complaint.

48
49 Respectfully,

50
51  _____

/s/ Plaintiff, Anonymously as Sensa Verogna
SensaVerogna@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of June 2020, the foregoing document was made upon the Defendant, through its attorneys of record to Jonathan M. Eck jeck@orr-reno.com and Julie E. Schwartz, Esq., JSchwartz@perkinscoie.com.